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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,650	07/25/2003	Masataka Yamashita	02910.000070.	1400
5514	7590	07/17/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PIZIALI, JEFFREY J	
			ART UNIT	PAPER NUMBER
			2629	
DATE MAILED: 07/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,650	<b>Applicant(s)</b> YAMASHITA ET AL.	
	<b>Examiner</b> Jeff Piziali	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005 & 24 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) 1,5,9 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>21 October 2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Election/Restrictions***

2. Applicants' election without traverse of Species I (i.e. claims 10-15 and 17) in the reply filed on 24 April 2006 is acknowledged and appreciated.
3. Claims 1, 5, 9, and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 24 April 2006.
4. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Drawings***

5. The drawings were received on 27 December 2005. These drawings are acceptable.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between the "plurality of the fluorescent members different from the plurality of the fluorescent members, in the plurality of the fluorescent members" (see claim 17, lines 15-16). The present wording of the claim would leave the inappropriate impression with one having ordinary skill in the art that "the fluorescent members" are different from themselves (which is of course, a structural impossibility).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 10-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by *D'Souza et al* (US 6,862,029 B1).

Regarding claim 10, D'Souza discloses a method of measuring luminance of an image display apparatus [Fig. 1; 10] having a plurality of pixels [Fig. 1; 14], comprising: a first step of causing a plurality of the pixels that are not adjacent each other in a plurality of the pixels arranged in a first direction to emit light in a first period (i.e. red pixels along a horizontal line/row of the CRT/FED-type display's grid/matrix -- wherein horizontally neighboring red pixels will inherently be separated from each other by green and blue pixels spaced along the same horizontal line/row), and causing a plurality of the pixels that are adjacent to the plurality of the pixels emitting light in the first period in the first direction not to emit light (i.e. green or blue pixels along a horizontal line/row of the CRT/FED-type display's grid/matrix); a first detecting step [Fig. 1; 18] of detecting each of emission statuses of the plurality of the pixels emitting light in said first step; a second step of causing a plurality of the pixels that do not emit light in said first step in the plurality of the pixels arranged in the first direction to emit light, and a second detecting step of detecting each of emission statuses of the plurality of the pixels emitting light in said second step (see Column 3, Lines 1-47 -- wherein brightness output is detected/measured one RGB color at a time).

Regarding claim 11, D'Souza discloses said second step includes causing a plurality of the pixels that are not adjacent to each other in a plurality of the pixels not emitting light in said first step, to emit light (see Column 2, Lines 16-31 -- wherein only one RGB color at a time is output).

Regarding claim 12, D'Souza discloses said first detecting step and said second detecting step are executed using at least one measuring apparatus [Fig. 1; 18] for imaging emission statuses of a plurality of the pixels, to detect a two dimensional image [Fig. 1; 12] (see Column 3, Lines 12-23).

Regarding claim 13, D'Souza discloses said first step, said first detecting step, said second step and said second detecting step are executed by matching a part of a display area [Fig. 2; 210] of said image display apparatus and a measurement area [Fig. 2; 208] of said at least one measuring apparatus, and then said first step, said first detecting step, said second step and said second detecting step are executed by matching another part of the display area of said image display apparatus and the measurement area of said at least one measuring apparatus (see Column 6, Lines 17-48 -- wherein using plural display patterns and plural photometers is disclosed).

Regarding claim 14, D'Souza discloses the at least one measuring apparatus includes a plurality of measuring apparatuses disposed on the image display apparatus, and luminances of the pixels are simultaneously measured by the measuring apparatuses (see Column 6, Lines 17-48 -- wherein using plural photometers simultaneously is disclosed).

Regarding claim 15, this claim is rejected by the reasoning applied in rejecting claim 10; furthermore, D'Souza discloses a method of manufacturing a display (see Fig. 2; Column 6, Lines 1-11) comprising: an adjustment step of adjusting characteristics (via transfer function

calculations) of the pixels based on a result obtained in said first detecting step and said second detecting step (see Column 5, Lines 31-38).

Regarding claim 17, this claim is rejected by the reasoning applied in rejecting claims 10 and 15; furthermore, D'Souza discloses the image display apparatus has a plurality of electron-emitting devices and fluorescent member emitting light by being irradiated by electrons emitted from the electron-emitting devices (see Column 3, Lines 1-11 -- wherein the display may be, among other things, a CRT or FED type display device).

#### ***Response to Arguments***

10. Applicants' arguments filed 27 December 2005 have been fully considered but they are not persuasive. The applicants contend, "nothing in D'Souza [US 6,862,029 B1] teaches or suggests that luminance is determined for each individual pixel at one driving voltage, or that brightness is only measured for non-adjacent pixels at one time. In addition, nothing in D'Souza teaches or suggests measuring brightness of each individual pixel emitting light if more than one pixel is caused to emit light during one period of time" (see Page 21, Paragraph 1 of the 'Amendment' filed 27 December 2005). However, the examiner respectfully disagrees.

In response to applicants' argument that the references fail to show certain features of applicants' invention, it is noted that the features upon which applicants rely (i.e., "luminance is determined for each individual pixel" and "measuring brightness of each individual pixel emitting light") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In*

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*re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). While the applicants present arguments pertaining to measuring individual pixel luminance, currently pending claim language is merely drawn to "detecting each of emission statuses of the plurality of the pixels" (see claim 10, lines 7-8 for instance). One having ordinary skill in the art would rightly consider D'Souza's detection of brightness levels of red/green/blue pixel patterns/grids/squares (see Column 6, Lines 17-48 for instance) as fully constituting "detecting each of emission statuses of the plurality of the pixels," as currently claimed.

Moreover, the cited prior art of D'Souza does also expressly disclose *causing a plurality of the pixels that are not adjacent each other in a plurality of the pixels arranged in a first direction to emit light in a first period* [for instance, red pixels along a horizontal line/row of the CRT/FED-type display's grid/matrix -- wherein horizontally neighboring red pixels will inherently be separated from each other by green and blue pixels spaced along the same horizontal line/row] (see Column 3, Lines 1-47).

By such reasoning rejection of the claims is deemed necessary, proper and thereby maintained at this time.

### ***Conclusion***

11. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The applicants are hereby notified that the examiner's art unit has recently changed from Art Unit 2673 to Art Unit 2629, please direct all future correspondence accordingly. Thank you.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



J.P.  
10 July 2006



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